



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 35 (2018)

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**A BILL FOR AN ORDINANCE**

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RELATING TO PRIVATE TRANSPORTATION COMPANIES, VEHICLES, AND DRIVERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to establish additional regulations governing private transportation companies, vehicles, and drivers.

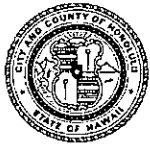
SECTION 2. Section 12-6.2, Revised Ordinances of Honolulu 1990 ("Director of customer services—Authority"), is amended by amending subsection (b) to read as follows:

"(b) The director shall maintain a database of private transportation companies and require the registration of each private transportation company. The database must, at minimum, include the private transportation certification numbers issued to each certified private transportation driver by the director as required in Section 12-6.5(h)."

SECTION 3. Section 12-6.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 12-6.5 Certification of private transportation driver.**

- (a) No person shall act as a private transportation driver in the city without certification by a registered private transportation company or by the department if the private transportation driver and private transportation company are one and the same person, pursuant to this article.  
In the event a private transportation company is required to certify the driver, the private transportation company shall conduct an investigation regarding the certification of the driver at no expense to the city concerning the character, experience, and qualifications of the driver to determine whether or not the driver is fit, willing and able to operate a vehicle for hire in a manner consistent with the general welfare of the public and in accordance with the requirements of this article and all other applicable laws, rules, and regulations.
- (b) No private transportation driver may be certified, and any existing certification must be revoked for any driver, who:
- (1) Has been found to have committed five infractions, as defined in HRS Section 291D-2, in the prior two-year period, other than traffic infractions



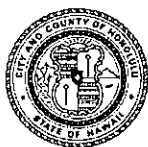
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## A BILL FOR AN ORDINANCE

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involving parking, standing, or equipment, including seat belts, and offenses committed as a pedestrian;

- (2) Has been convicted once in the prior two-year period for the offense of resisting an order to stop a motor vehicle, reckless driving, excessive speeding, racing on a highway, or driving with a suspended or revoked driver license;
- (3) Is not at least 21 years of age;
- (4) Has been convicted in the prior seven-year period of driving under the influence of an intoxicant, including drugs or alcohol;
- (5) Has been convicted in the prior seven-year period of any of the following:
  - (A) Offenses against the person or property of another, including:
    - (i) Assault,
    - (ii) Kidnapping,
    - (iii) Manslaughter,
    - (iv) Murder,
    - (v) Negligent homicide,
    - (vi) Reckless endangering,
    - (vii) Robbery,
    - (viii) Theft,
    - (ix) Computer crimes,
    - (x) Credit card offenses, or
    - (xi) Identity theft;
  - (B) Offenses that are sex related, including:
    - (i) Displaying indecent matter,

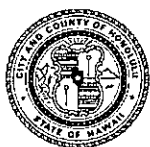


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**A BILL FOR AN ORDINANCE**

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- (ii) Indecent exposure,
  - (iii) Open lewdness,
  - (iv) Promoting pornography,
  - (v) Prostitution or promoting prostitution,
  - (vi) Sexual assault, or
  - (vii) Sexual abuse; or
- (C) Offenses that are drug related, including:
  - (i) Promoting a dangerous drug,
  - (ii) Promoting a detrimental drug,
  - (iii) Promoting a harmful drug, or
  - (iv) Promoting intoxicating compounds; or
- (6) Is a match in the National Sex Offender Public Website.
- (c) In order to determine if a driver is qualified for certification, the private transportation company shall, at a minimum, obtain records to establish that the driver:
  - (1) Has a current and valid Hawaii State driver's license;
  - (2) Has one year of driving experience;
  - (3) Is at least 21 years of age;
  - (4) Has a valid automobile insurance policy as required by law;
  - (5) Completed a seven year national criminal background check which includes a director approved Multi-state/Multi-Jurisdiction Criminal Locator or other similar validated nationwide database and National Sex Offender Public Website search, which reflects the absence of convictions for any of the offenses identified in this article. The criminal background check



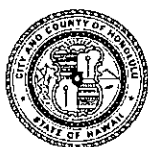
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## A BILL FOR AN ORDINANCE

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must be conducted prior to the initial certification of the driver and every two years thereafter;

- (6) Has ~~[certified]~~ obtained certification from a physician licensed in the State of Hawaii that the driver is physically and mentally fit to be a private transportation driver and is free of any known medical condition that would put a passenger at risk;
  - (7) Submitted a current traffic violations bureau certified abstract; and
  - (8) Has met all other qualifications under this article.
- (d) As part of the certification process, a private transportation company or a third party vendor retained at the private transportation company's cost, shall determine whether that the driver has a sufficient:
- (1) Understanding of the traffic laws and ordinances applicable in the city;
  - (2) Understanding of the locations of streets, roads, highways and significant landmarks within the city;
  - (3) Method of communicating with passengers; and
  - (4) Ability to respond to emergency situations, including, but not limited to, the ability to call for emergency assistance and knowledge of locations of major medical facilities.
- (e) A private transportation company shall suspend a driver's certificate and require the driver to submit a medical clearance from a physician licensed in the State of Hawaii, if there are indications that the driver is or has become physically or mentally unfit to be a private transportation driver.
- (f) When a private transportation company is made aware of a driver's failure to comply with any requirement of this article or that the driver submitted false information to the company, the private transportation company must notify the department and ensure that the driver does not operate as a private transportation driver.
- (g) The private transportation company must certify to the department that the company's private transportation drivers have satisfied the requirements of this article. The company must maintain records that substantiate that the requirements are satisfied. Such records must be maintained within the city for a



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## A BILL FOR AN ORDINANCE

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period of at least two years following the date on which a private transportation driver is no longer affiliated with a private transportation company or is no longer permitted to act as a transportation network company driver on the transportation network company's digital network. The records are subject to inspection by the department in accordance with Sections 12-6.12 and 12-6.13. The private transportation company will be deemed in violation of this article and subject to the penalties under this article each time the department determines that the records do not substantiate compliance with the requirements for an individual driver.

- (h) The director shall issue a unique private transportation certification number to each private transportation company driver who has been certified by a private transportation company or the department pursuant to this section. The private transportation company must keep a record of the private transportation certification number until such that time that the driver is no longer affiliated with the company or is no longer permitted to act as a transportation network company driver on the transportation network company's digital network."

SECTION 4. Section 12-6.8, Revised Ordinances of Honolulu 1990, is repealed:

~~["Sec. 12-6.8 — Receipt.~~

~~Either the private transportation driver or the private transportation company, as applicable, must, upon request, provide any passenger with a printed or electronic receipt showing the total fare paid, and any other information specified by the director."~~

SECTION 5. Section 12-6.11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 12-6.11 Identification of private transportation vehicles.**

- (a) Upon approval by the director, the private transportation company will direct its drivers on the placement of the trade dress, logo, or company identifier on the personal vehicle or taxicab, whichever the case may be, but trade dress, logo, or company identifier placed on the front and rear bumpers pursuant to this article must be [between]:
- (1) Between 2 inches and 3 inches in height, and a minimum of 4 inches in width[-];
  - (2) Visible from not less than 30 feet away; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 35 (2018)

---

**A BILL FOR AN ORDINANCE**

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(3) Composed of permanent adhesive vinyl that is nonglare and nonreflective.

The trade dress, logo or company identifier may be placed on the vehicle's body, but not on the roof (unless it is a taxi sign or dome) or cover any window, vehicle lights, or obscure the view of any mirrors.

(b) The private transportation company shall also direct its drivers on the placement of the private transportation certification number issued by the director pursuant to Section 12-6.5(h) on the private transportation driver's vehicle. At minimum, the private transportation certification number being displayed must be:

(1) Located on the front and rear bumpers of the private transportation vehicle;

(2) Composed of permanent adhesive vinyl that is nonglare and nonreflective;

(3) Located on the taxicab's sign or dome and be no more than 1.5 inches in height; and

(4) Visible from not less than 30 feet away.

(c) [In addition, any] Any vehicle for hire [which] that transports passengers to and from the Honolulu International Airport [shall] must display permits or decals required by the applicable State laws."

SECTION 6. Chapter 12, Article 6, Revised Ordinances of Honolulu 1990, is amended by adding three new sections to read as follows:

**"Sec. 12-6.7.1 Director to establish rate of fare and baggage charge--  
Exceptions--Conditions--Receipt required upon request.**

(a) The director shall establish, by rule, the maximum fares and baggage charges that may be charged to passengers of private transportation companies. A private transportation driver or private transportation company may not charge more than the maximum fares and baggage charges established by the director. The rules shall not allow surge pricing, as defined herein, if the increased fares and charges under the surge pricing would exceed the maximum fares or charges established by the director for normal operations. The director shall review the fares and charges at least once every two years following the effective date of this ordinance, and shall amend the fares and charges, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the U.S. Bureau of Labor Statistics;

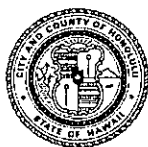


## A BILL FOR AN ORDINANCE

provided, that the director may amend the fares and charges more frequently than once every two years if deemed necessary. As used herein, "surge pricing" means increases in fares or charges, or both, based on increased demand for the services of the private transportation company.

- (b) In addition to the fares and charges established in subsection (a), the director may establish a fuel surcharge for private transportation companies to be charged to passengers. Every six months, the director shall determine whether a fuel surcharge should be established based on any increase in the base amount and the average fuel prices. Any fuel surcharge shall be established by rules adopted by the director pursuant to HRS Chapter 91.
- (c) In addition to the fares and charges established in subsections (a) and (b), a private transportation company or a private transportation driver may pass on to customers the State of Hawaii general excise tax, including any county surcharge thereon, due on the transaction.
- (d) The fares or charges established pursuant to this section are subject to the following exceptions or conditions, whichever the case may be:

  - (1) When Fares or Charges Permitted. Fares are only applicable to the use of the taxicab or personal vehicle when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire; provided, that no other charges may be made for the use of a taxicab for hire or personal vehicle except as provided herein.
  - (2) Posting of Fares and Charges. The schedule of fares, charges, and surcharges established pursuant to this section must be printed in bold type letters, not less than three-sixteenths of an inch in height, posted in a location in the interior of the vehicle that is readily visible to all passengers for hire. If the State of Hawaii general excise tax will be passed on to customers pursuant to subsection (c), the schedule also must state in the same visible lettering that the general excise tax will be added and the exact percentage that will be added.
  - (3) Exceptions and Conditions for Use of Fares and Charges Lower Than Those Established. A taxicab driver or taxicab company may adjust the meters on a taxicab so that lower fares or charges may be assessed than those established pursuant to this section; provided, that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower fare or charge;



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## A BILL FOR AN ORDINANCE

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and provided further, that such lower fare or charge must be posted as prescribed in subdivision (2). A private transportation driver or private transportation company may waive the baggage charges established pursuant to this section.

(4) This section shall not be construed:

(A) To preclude a taxicab driver or taxicab company from charging a passenger less than the amount due as indicated by the taximeter; or

(B) To preclude a transportation network company driver or transportation network company from charging a passenger less than the fares and charges established pursuant to this section.

(5) The fares for shared-ride taxicab service shall be established by the tariff filed under Section 12-1.24, rather than the fares and charges established pursuant to this section.

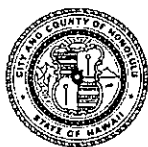
(e) Receipt Required upon Request.

(1) Upon completion of the ride, the private transportation driver shall upon request provide at least one passenger with a legible receipt that specifies the following information: origin, destination, time and date of the service; all fares, charges, and surcharges, including any general excise tax passed on to the passenger; the name of the private transportation driver; the printed name and telephone number of the private transportation company; a telephone number, as designated by the director, to call for the filing of complaints; and any other information deemed necessary by the director.

(2) The receipt required by subdivision (1) may be provided by hard copy or by electronic delivery by email or text message.

(3) All taxicab receipt forms must be approved by the director before use by a taxicab company.





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 35 (2018)

---

**A BILL FOR AN ORDINANCE**

---

**Sec. 12-6.7.2 Taximeters.**

- (a) Installation. Each taxicab must be equipped with a digital electronic taximeter calibrated to charge the current fare established pursuant to Section 12-6.7.1 and which must meet or exceed the requirements of subsection (b).
- (b) The specifications, tolerances, and other technical requirements relating to the taximeter shall be as established by the State of Hawaii division of weights and measures. The operation, visibility, lighting and inspection of the meters will conform to all applicable state laws or regulations.
- (c) Inspection. No driver, owner, or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.
- (d) Current Rates. No driver, owner, or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates.

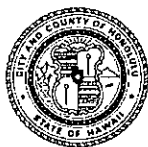
**Sec. 12-6.7.3 Disclosure of rates and charges.**

A transportation network company's digital network must disclose the following to any person requesting a ride, prior to the confirmation of the ride:

- (1) The total fare or fare range; and
- (2) The rates and charges used in calculating the total fare or fare range. Any variables that may result in additional or higher charges, such as the general excise tax, also must be specified."

SECTION 7. Section 12-1.11, Revised Ordinances of Honolulu 1990, is amended by amending subsection (e) to read as follows:

- "(e) A baggage fee may be assessed during jitney operations according to the fee for baggage established pursuant to Section [~~12-1.10.~~] 12-6.7.1."



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 35 (2018)

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**A BILL FOR AN ORDINANCE**

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SECTION 8. Section 12-1.8, Revised Ordinances of Honolulu 1990, is repealed:

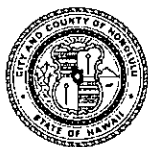
**~~["Sec. 12-1.8 Taximeters.~~**

- ~~(a) Installation. Each taxicab shall be equipped with a digital electronic taximeter calibrated to charge the current fare established pursuant to Section 12-1.10 and which shall meet or exceed the requirements of subsection (b).~~
- ~~(b) The specifications, tolerances, and other technical requirements relating thereto shall be as established by the state division of weights and measures. The operation, visibility, lighting and inspection will conform to all applicable state laws or regulations.~~
- ~~(c) Inspection. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.~~
- ~~(d) Current Rates. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates."]~~

SECTION 9. Section 12-1.10, Revised Ordinances of Honolulu 1990, is repealed:

**~~["Sec. 12-1.10 Director to establish rate of fare and baggage charge--  
Exceptions--Conditions--Receipt required upon request.~~**

- ~~(a) The maximum fares and baggage charges that may be charged to passengers of taxicabs shall be established by the director. The fares and charges shall be established by rules adopted by the director. The fares and charges shall be reviewed by the director at least once every two years following January 1, 1992 and shall be amended, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the U.S. Bureau of Labor Statistics; provided, that the director may amend the fares and charges more frequently than once every two years if deemed necessary.~~
- ~~(b) In addition to the fares and charges established in subsection (a), the director may establish a fuel surcharge for taxicab operators to be charged to passengers. Every six months, the director shall determine whether a fuel surcharge should be established based on any increase in the base amount and~~



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A BILL FOR AN ORDINANCE

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~~the average fuel prices. Any fuel surcharge shall be established by rules adopted by the director pursuant to HRS Chapter 91.~~

- ~~(c) The fares or charges established pursuant to this section shall be subject to the following exceptions or conditions, whichever the case may be:~~
- ~~(1) When Fares or Charges Permitted. Fares are only applicable to the use of the taxicab when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire; provided, that no other charges shall be made for the use of a taxicab for hire except as provided herein.~~
  - ~~(2) Posting of Fares and Charges. The schedule of fares and charges established pursuant to this section shall be printed in bold type letters, not less than three sixteenths of an inch in height, posted within 12 inches of the taximeters and readily visible to all passengers for hire.~~
  - ~~(3) Exceptions and Conditions for Use of Fares and Charges Lower Than Those Established. A taxicab driver or taxicab company may adjust the meters on a taxicab so that a lower fare or charge may be assessed than those established pursuant to this section; provided, that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower fare or charge; and provided further, that such lower fare or charge shall be posted as prescribed in paragraph (2). The taxicab driver or taxicab company may waive the baggage charges established pursuant to this section.~~
  - ~~(4) This section shall not be construed to preclude a taxicab driver or taxicab company from charging a passenger less than the amount due indicated by the taximeter.~~
  - ~~(5) The fares for shared ride taxicab service shall be established by the tariff filed under Section 12-1.24, rather than the fares and charges established pursuant to this section.~~
- ~~(d) Receipt Required upon Request.~~
- ~~(1) At the end of the taxicab trip, the operator shall upon request provide at least one passenger with a receipt that records the following information: origin, destination, time and date of the taxicab service; all fares and charges; the name of the taxicab operator, printed or written so that it is legible; the printed name and telephone number of the taxicab company; a~~



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 35 (2018)

---

**A BILL FOR AN ORDINANCE**

---

~~telephone number, as designated by the director, to call for the filing of complaints; and any other information deemed necessary by the director.~~

- ~~(2) All taxicab receipt forms shall be approved by the director before use by a taxicab company."~~

SECTION 10. Section 12-1.20, Revised Ordinances of Honolulu 1990, is repealed:

~~["Sec. 12-1.20 Taxicab certification numbers.~~

~~No person may operate a taxicab unless the taxicab is clearly identified and marked as prescribed herein with a taxicab certification number assigned by the director. The taxicab certification number shall be prominently posted on the exterior surfaces of the front and rear bumpers and on the sign or dome light, described in Section 12-1.16, of the taxicab. The taxicab certification number posted on the taxicab as prescribed in this section must be no less than two inches in height, and must conform to such other requirements or specifications as the director may prescribe by rule."]~~

SECTION 11. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring. In Section 6 of this ordinance, the Revisor shall replace the phrase "the effective date of this ordinance" with the actual date on which this ordinance takes effect.

SECTION 12. Until such time that the Director of Customer Services adopts rules to establish the maximum fares and baggage charges that may be charged to passengers of private transportation companies as required by new ROH Section 12-6.7.1 (in Section 7 of this ordinance), existing maximum fares and baggage charges that are currently in effect for taxicabs and jitney operations, as set by the Director of Customer Services pursuant to ROH Section 12-1.10, shall remain in effect.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 35 (2018)

**A BILL FOR AN ORDINANCE**

SECTION 13. This ordinance takes effect upon its approval.

INTRODUCED BY:

*[Signature]*  
\_\_\_\_\_

DATE OF INTRODUCTION:

**APR 24 2018**

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu